

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

NH Civil No. 1: 09-cv-117

MA Department of Conservation & Recreation, et al

**ORDER**

All active service district judges in this district are recused from presiding over this case. Accordingly, the case shall be referred to the District of Rhode Island; sitting by designation.

The recusal of all of the active service district judges in this court give rise to an “emergency” with respect to the referred case as that term is used in 28 U.S.C. § 636 (f). I therefore concur in the assignment of a magistrate judge from the designated district to perform the duties specified in 28 U.S.C. §636(a) - (c).

SO ORDERED.

Date: July 15, 2009

/s/ Steven J. McAuliffe  
Steven J. McAuliffe  
Chief Judge

cc: Jeffrey K. Sands, Esq.  
Clerk, USDC - District of Rhode Island

**CONCURRING ORDER**

I concur that William E. Smith, a district judge in active service, shall be designated and assigned to preside over the above-captioned case.

I further concur that an emergency exists as specified above and that for the duration of this case Magistrate Judge Lincoln D. Almond is assigned to perform such duties under 28 U.S.C. § 636 (a) - (c) as may be assigned to him/her by the district judge to whom this case is assigned.

Date:

July 17, 2009

May M. Lisi  
Chief United States District Judge  
District of Rhode Island

cc: Jeffrey K. Sands, Esq.  
Clerk, USDC- District of New Hampshire